

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MICHAEL-JOHN FREDERICK MAIER,

Plaintiff,

v.

SNOHOMISH DEPARTMENT OF  
CORRECTIONS,

Defendant.

CASE NO. 2:21-cv-01514-DGE

ORDER ADOPTING REPORT AND  
RECOMMENDATION

On November 5, 2021, Plaintiff, proceeding pro se, filed a civil rights action pursuant to 42 U.S.C. § 1983, alleging that unnamed employees of the Snohomish Department of Corrections violated his civil rights. (Dkt. No. 1-1.)

On November 19, 2021, United States Magistrate Judge J. Richard Creatura issued an order directing Plaintiff to amend his complaint by December 20, 2021 to provide additional factual allegations and to identify the jail officials allegedly involved in the deprivation of his civil rights. (Dkt. No. 4.) Judge Creatura informed Plaintiff that his case would be dismissed if

1 he failed to timely file an amended complaint or if he otherwise failed to comply with this order.  
2 (*Id.*)

3 On November 22, 2021 and December 1, 2021, mail sent to Plaintiff from the Clerk's  
4 office was returned with a stamp indicating that Plaintiff had been released. (Dkt. Nos. 5 and 6.)  
5 On December 22, 2021, Judge Creatura issued a minute order directing Plaintiff to provide the  
6 Court with his current address by January 21, 2022 or have his case dismissed. (Dkt. No. 7.)  
7 Plaintiff did not provide the Court with his new address.

8 On January 24, 2022, Judge Creatura, finding that Plaintiff had not responded to the order  
9 to amend or provided the Court with his new address, issued a report and recommendation  
10 ("R&R") recommending that Plaintiff's complaint and this action be dismissed without prejudice  
11 for failure to prosecute, and that Plaintiff should not be granted in forma pauperis status for  
12 purposes of appeal. (Dkt. No. 8.) Plaintiff did not object to the R&R or provide the Court with  
13 his new address, and mail sent to the address the Court on file was again returned to the Clerk's  
14 office with a stamp indicating that Plaintiff had been released. (Dkt. No. 9.)

15 The Court, having reviewed the report and recommendation of Magistrate Judge J.  
16 Richard Creatura, objections to the report and recommendation, if any, and the remaining record,  
17 does hereby find and ORDER:

18 (1) The Court ADOPTS the report and recommendation (Dkt. No. 8).


19 (2) This case is DISMISSED without prejudice for failure to prosecute.

20 (3) Plaintiff is DENIED in forma pauperis status for any appeal.

21 (4) All pending motions are DENIED as moot.

22 (5) The Clerk is directed to close this case and send copies of this order to Plaintiff and to  
23 the Hon. J. Richard Creatura.

1 Dated this 11<sup>th</sup> day of February, 2022.

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4 David G. Estudillo  
5 United States District Judge  
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